

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

GERALD ALLEN PERRY, )  
TDCJ #644896, )  
Plaintiff, )  
 )  
v. ) Civil No. 7:13-CV-012-O-BL  
 )  
JOHN DOE, )  
Defendant. )

**ORDER ACCEPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

After making an independent review of the pleadings, files and records in this case, of the Report and Recommendation of the United States Magistrate Judge, and of Plaintiff's objections thereto, I am of the opinion that the Report and Recommendation of the Magistrate Judge is correct and it is hereby adopted and incorporated by reference as the Findings of the Court.<sup>1</sup>

Accordingly, this case is DISMISSED without prejudice pursuant to Rule 41(b), Federal Rules of Civil Procedure, for want of prosecution.

SO ORDERED this 17th day of April, 2013.

  
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Reed O'Connor  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The Court further finds that Plaintiff is barred from proceeding *in forma pauperis* under the three-strikes provision of 28 U.S.C. § 1915(g). See *Perry v. Holmes*, No. 05-20137 (5th Cir.) (dismissed on November 1, 2005 as frivolous); *Perry v. Holmes*, No. 4:04-CV-3865 (S.D. Tex.) (dismissed on October 22, 2004 as frivolous); *Perry v. Thaler*, No. 5:98-CV-261 (E.D. Tex.) (case dismissed on September 15, 1998 as frivolous). Plaintiff seeks to avoid the three-strikes bar by claiming that he is in imminent danger of serious physical injury because he "is housed in an open dormitory which is generally dangerous to all prisoners." Plaintiff's Objections at p. 3. This allegation is conclusory in nature and factually insufficient to show that Perry is in imminent danger of serious physical injury.